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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Meng Hsin Chen et al.

Serial No.: 10/561,571 **Case No.:** 21406YP

Filed: December 21, 2005

For: Ophthalmic Compositions for Treating Ocular Hypertension

Art Unit
1624

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V.
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nian

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is filed in response to the restriction requirement mailed September 25, 2007 and for which a response is due on October 25, 2007. Claims 1-15 are currently pending in the application and are subject to the following restriction under 35 U.S.C. 121:

Group I: Claims 1-15, drawn to compounds of formula I wherein M=CH, M1=CH and M2=CH, composition and method of use.

Group II: Claims 1-15, drawn to compounds of formula I wherein M=N, M1=CH and M2=CH, composition and method of use.

Group III: Claims 1 and 8-15, drawn to compounds of formula I wherein M1, M2 and M2 choices are other than those provided for in Group I and II, composition and method of use.

Applicants elect Group I, claims 1-15, drawn to compounds of formula I wherein M=CH, M1=CH and M2=CH, composition and method of use with traverse. Applicants respectfully assert that the Examiner fails to justify the restriction requirement because contrary to the Examiners' assertion, the present invention of Groups I-III are related. Even though only one invention may be claimed in a single application, a reasonable

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number of species of the invention can be claimed if there is an allowable generic claim in the application, which is the case of the present application. Accordingly, there is no additional burden on the part of the Examiner to conduct the prior art search for examination of the present application in total.

As required by the Examiner, applicants further elect the compound of Example 13 as the species, and assert that claims 1-15 are identified as encompassing the elected invention.

In view of the above, the Examiner is respectfully requested to withdraw the restriction requirement.

Authorization is hereby given to charge any fees which may be due as a result of this petition to Deposit Account No. 13-2755.

Respectfully submitted,

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